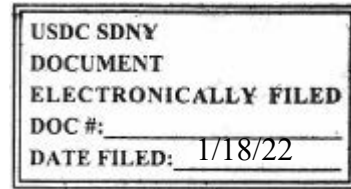


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



United States of America,

—v—

Jose Nieves,

Defendant.

12-cr-931 (AJN)

ORDER

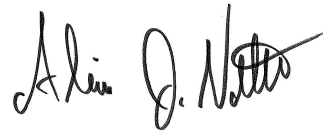
ALISON J. NATHAN, District Judge:

The Court on January 11, 2022, denied Mr. Nieves’s motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), concluding that even if Mr. Nieves showed an extraordinary and compelling reason for release, the factors listed in 18 U.S.C. § 3553(a) warrant a maintenance of his present sentence. Dkt. No. 86. On January 13, 2022, the Court received a letter from Mr. Nieves dated January 9, 2022, that raises additional concerns about the spread of the omicron variant of the COVID-19 virus at FCI Butner. Dkt. No. 87. Without doubting Mr. Nieves’s legitimate concerns about the omicron variant, the Court reaffirms its conclusion that “a further reduction in Mr. Nieves’s below-guidelines sentence would not adequately reflect the seriousness of the offense, promote respect for the law, provide just punishment for the offense, or afford adequate deterrence to criminal conduct as required by § 3553(a).” Dkt. No. 86 at 2.

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Nieves and note the mailing on the public docket.

SO ORDERED.

Dated: January 18, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

ALISON J. NATHAN
United States District Judge